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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 03 2006
at 2 o'clock and 15 min. M
SUE BEITIA, CLERK

Attorney for Plaintiff
WAYNE BERRY

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	NOTICE OF MOTION;
vs.	)	PLAINTIFF WAYNE BERRY'S
	)	MOTION IN LIMINE TO
HAWAIIAN EXPRESS SERVICE,	)	EXCLUDE EVIDENCE OF THE
INC., a California corporation; et al.	)	LOCATION OF ATLANTIC
	)	PACIFIC INTERNATIONAL,
	)	INC'S BUSINESS RECORDS;
	)	DECLARATION OF TIMOTHY J.
	)	HOGAN; EXHIBIT "A";
	)	CERTIFICATE OF SERVICE
Defendants.)	
	)	Hearing:
	)	DATE: January 20, 2006
	)	TIME: 2:00 p.m.
	)	JUDGE: Hon. Susan Oki Mollway
)	
	)	Trial Date: January 24, 2006
)	
)	

NOTICE OF HEARING

TO: LEX R. SMITH, ESQ.
ANNE E. LOPEZ, ESQ.
Kobayashi Sugita & Goda
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813
Attorneys for Defendant
Fleming Companies, Inc.
C&S Wholesale Grocers, Inc.,
C&S Logistics of Hawaii, LLC,
C&S Acquisitions, LLC, ES3, LLC
and RICHARD COHEN

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Attorney for Defendant
ALIX PARTNERS, LLC

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and MICHAEL GURZI

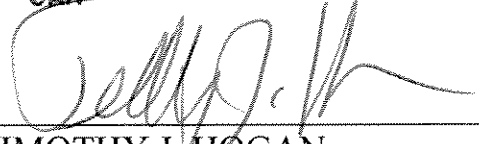
WESLEY H. H. CHING, ESQ.
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Hawaii Transfer Company, Limited

JOHN T. KOMEIJI, ESQ.
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KAREN Y. ARIKAWA, ESQ.
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Attorneys for Defendant
ALIX PARTNERS, LLC

NOTICE IS HEREBY GIVEN that Plaintiff Motion in Limine to Exclude Evidence of Plaintiff Wayne Berry's Motion in Limine to Exclude Evidence of the Location of Atlantic Pacific International, Inc's Business Records shall come on for hearing before the Honorable Susan Oki Mollway, United States District Judge of the above-entitled Court, in her courtroom in the United States District Court, 300 Ala Moana Boulevard, Honolulu, Hawaii 96813 on January 20,

2006 at 2:00 p.m., or as soon thereafter as counsel can be heard.

Dated: Honolulu, Hawaii, JAN 3 2006.

A handwritten signature in black ink, appearing to read "Timothy J. Hogan", written over a horizontal line.

TIMOTHY J. HOGAN
Attorney for Plaintiff
WAYNE BERRY